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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**AMY MOORE, MIA LYTELL, NATASHA  
TAGAI, EMMA HOPPER, BRITTANY  
HASSEN and BRITTANY REYES,**

Plaintiffs,

— against —

**HOWARD RUBIN,**

Defendant.

Case No.: 1:17-cv-06404-BMC

**DECLARATION OF JOHN G.  
BALESTRIERE IN FURTHER  
SUPPORT OF PLAINTIFFS'  
MOTION FOR ATTORNEY'S  
FEES AND REIMBURSEMENT  
OF COSTS**

I, John G. Balestriere, an attorney duly admitted to practice law in the Eastern District of New York, of legal age and under penalty of perjury, pursuant to 28 U.S.C. § 1746, declare the following:

1. I am an attorney at the law firm Balestriere Fariello (the “Firm,” or “Plaintiffs’ Counsel”). We represent Plaintiffs Amy Moore (“Moore”), Mia Lytell (“Lytell”), Natasha Tagai (“Tagai”), Emma Hopper (“Hopper”), Brittany Hassen (“Hassen”), and Brittany Reyes (“Reyes”) (collectively, “Plaintiffs”) in the above-referenced action against Defendant Howard Rubin

(“Rubin”).

2. I submit this declaration in further support of Plaintiffs’ Motion for Attorney’s Fees and Reimbursement of Costs.

*Plaintiffs’ Counsel’s Experience*

3. In addition to what has already previously provided regarding Balestriere’s experience, Balestriere has litigated arbitrations before the American Arbitration Association, JAMS, and the International Chamber of Commerce, appeals in the First, Second, and Third Departments, appeals before the First, Second, and Ninth Circuits, and appeals in the New Jersey and Connecticut Supreme Courts.

4. Consistent with the Firm’s practices, other attorneys, non-attorney legal analysts, and law student/legal apprentices performed work on an as needed basis, stepping in at times for depositions, document review, editing of papers, or trial preparation.

5. All non-attorney legal analysts’ work on the matter included assisting with motion preparation and filing, assisting at court appearances, compiling and organization of all documents, assisting in managing client relationships, maintaining the court file, maintaining necessary calendaring, coordinating with third parties (including during discovery), and providing support at trial.

6. All legal apprentices’ work on the matter included conducting legal research, drafting motions, supporting documents, letters, and memoranda, assisting in managing client relationships, providing support at trial and as otherwise needed to Firm attorneys.

7. All attorneys’ work the matter included drafting legal documents, supporting documents, letters, arguing in Court conferences and at trial, preparing for hearings and trial,

corresponding with adversary counsel, defending and taking depositions, overseeing discovery, and overseeing the work of legal apprentices and non-attorney analysts.

8. Due to the small size of the Firm, operations professionals, including an Operations Manager and/or Chief of Staff, at times work on matters when additional assistance is necessary to accomplish litigation tasks. The work performed by these professionals is billed to a matter if it is billable work consistent with the work performed by non-attorney analysts and legal apprentices.

9. Sophia Berg was a non-attorney legal analyst at the Firm from around August 2020 to June 2021. She was a graduate of Harvard University, with an undergraduate degree in Psychology.

10. Andrew Bershtein was an associate attorney at the Firm from May 2019 to November 2019. Mr. Bershtein obtained his Juris Doctor degree from Brooklyn Law School in 2016. Prior to starting at the Firm, Mr. Bershtein was a First-Year Associate at Sperber Denenberg & Kahan, P.C., then of-counsel and later Partner at Czik Law PLLC.

11. Karen Bubelnik was a non-attorney legal analyst at the Firm from May 2014 to March 2020. Bubelnik received her Bachelor's degree from Stony Brook University, and went on to pursue a Certificate in Paralegal Studies from Nassau Community College in 2013. She had been a non-attorney analyst at the Firm for more than three years prior to the initiation of this action.

12. Maya Cohen was an associate attorney at the Firm from September 2020 to May 2021. As a Juris Doctor candidate from Georgetown Law School, Cohen had interned at the United Nations, and upon graduation was a Legal Fellow at the Department of Health and Human Services, Office of Global Affairs.

13. Erin Cole was a legal apprentice at the Firm during the summer of 2018. Cole had completed her second year of law school at New York Law School prior to starting at the Firm. Her undergraduate degree was from the University of California Los Angeles. Cole had been a legal assistant at the Law Offices of Kenneth E. Belkin the previous summer.

14. Vittoria Fariello is a partner at the Firm. Prior to joining Balestriere Fariello, Ms. Fariello worked as an Investigative Attorney in the New York City Buildings Special Investigation Unit (a joint initiative of the City's Departments of Investigation and Buildings). There she worked with investigators and analysts to conduct a variety of investigations into professional misconduct and official corruption matters and litigated and tried cases based on those investigations. During her education at Benjamin N. Cardozo School of Law, Ms. Fariello worked for the Chief Prosecutor in Milan, Italy; for the Immigration Unit of the Legal Aid Society; for the ambassador of the Arab League to the United Nations in a series of diplomatic projects; and for an attorney at the international firm Spector and Feldman, LLP.

15. David Forrest started at the Firm as legal apprentice in the summer of 2017, after completing his second year at Cardozo School of Law. Upon his graduation in 2018, Forrest returned to the Firm as a first-year associate attorney. Forrest worked at the Firm until November 2019.

16. Peter Garnett was an attorney at the Firm from January 2019 to September 2020. Prior to starting at the Firm, Garnett served as the Principal Law Clerk to the Honorable Alan J. Meyer (Acting Justice of the Supreme Court), Criminal Court of the City of New York for more than three years. Prior to that, Garnett was of-counsel to the firm Riconda & Garnett LLP, and an Associate in the Litigation Department at Schulte Roth & Zabel LLP. Garnett received his Juris Doctor degree from Syracuse University College of Law in 2009, and his bachelor's degree from

George Washington University.

17. Nathan Gibbs was a non-attorney legal analyst at the Firm from June 2017 until June 2019. Gibbs was a graduate of Columbia University with a bachelor's degree in political science.

18. Rebecca Gonzalez is an associate attorney at the Firm. Ms. Gonzalez began working at the Firm in September 2023. She is an admitted member of the State Bar of California and passed the New York Bar Examination in February 2024. Ms. Gonzalez obtained her Juris Doctor from the University of San Francisco School of Law and undergraduate degree from the University of California Davis.

19. Kotryna Jukenviciute was an operations professional at the Firm from January 2021 to September 2021. Prior to working at the Firm, Ms. Jukenviciute was a Consultant in the National Security Sector at the U.S. Department of State. Ms. Jukenviciute has a master's degree from Georgetown University.

20. Charles Hecht was of-counsel at the Firm from early 2020 until May 2021. Hecht has been a member of the New York State Bar since 1965.

21. Erin Kerrane was a non-attorney legal analyst at the Firm from April 2019 to May 2021. She was a certified paralegal, with an undergraduate degree from the University of Scranton. Ms. Kerrane was a paralegal at Solomon & DeCapua for one year before starting at the Firm.

22. Amy Kahn was a non-attorney legal analyst at the Firm beginning in October 2021. Ms. Kahn has a bachelor's degree from Lehman College. She worked for Willkie Farr & Gallagher LLP as an Analyst prior to starting at the Firm.

23. Non-attorney legal analyst Jin Lee worked at the Firm from September 2016 to December 2018. Prior to starting at the Firm, Jin Lee obtained her undergraduate degree from Smith College. Lee gained experience as an Office Assistant at the Center for Public Representation. She worked as a Legal Analyst position at the Firm, where she worked for more than 2 years.

24. Timothy Lupinek was an associate attorney at the Firm from September 2019 until July 2020. Prior to joining Balestriere Fariello, Mr. Lupinek was associated with San Francisco-based firm Akay Law, had five years of litigation experience as an attorney, and was a licensed mediator. He received his Juris Doctor degree from the University of Baltimore School of Law.

25. Daniel McGillicuddy was of-counsel at the Firm beginning in November 2019. In this action, Mr. McGillicuddy attended a court conference to advise Plaintiffs' Counsel, assisted drafting motions in limine, and advised associates in trial preparation.

26. Megan McKenzie was an associate attorney at the Firm from November 2019 to August 2020. A graduate of Georgetown University Law Center, Ms. McKenzie had an undergraduate degree from Harvard University. She was a law clerk for a year prior to starting at the Firm.

27. Haroon Mian was a legal apprentice at the Firm in the summer of 2018. Mian was entering his third year at Cardozo School of Law.

28. Mandeep Minhas was an associate attorney at the Firm from August 2020 until 2022. Mr. Minhas had a master's degree from Columbia University, and a Juris Doctor degree from Boston College Law School.

29. Marc Natale was an operations professional at the Firm from June 2008 to December 2021. Prior to joining the Firm, Mr. Natale worked as Trial Preparation Assistant at

the New York County's District Attorney's Office. Mr. Natale has a master's degree in business administration.

30. Alexis Pudvan is a non-attorney legal analyst. Ms. Pudvan started at the Firm in February 2024. She has an undergraduate degree from the University of Oklahoma.

31. Joseph Pugliese was a legal apprentice during the summer of 2019, while he was a student at Brooklyn Law School. Mr. Pugliese had a paralegal certificate as well.

32. Sophie Saydah was a non-attorney legal analyst at the Firm from December 2021 to March 2024. Ms. Saydah has an undergraduate degree from New York University. She is currently pursuing her Juris Doctor at Cardozo School of Law.

33. Habiba Shah was a non-attorney legal analyst at the Firm from February 2019 to February 2020. Ms. Shah had an undergraduate degree in International Relations from Mount Holyoke College.

34. Emily Shlafmitz was a non-attorney legal analyst at the Firm from September 2018 until June 2020. She began law school at Duke University School of Law in the fall of 2020.

35. Charlotte Sullivan is a non-attorney legal analyst. Ms. Sullivan started at the Firm in March 2024. She has an undergraduate degree from the University of Toronto.

36. Rita Wang was a non-attorney legal analyst at the Firm from June 2020 to May 2021. Ms. Wang received her bachelor's degree from Yale University in 2019.

37. Lanz Williams was an operations professional at the Firm from September 2023 to July 2024.

38. Wendy Wu was a legal apprentice at the Firm after her 1L Year at Columbia Law in the summer of 2020.

39. Samantha Zuniga-Levy was a non-attorney legal analyst at the Firm from September 2019 to May 2021. Ms. Zuniga-Levy is a graduate of Wesleyan University, and had worked as a legal research assistant at a law firm prior to starting at the Firm.

*Rubin's Counsel*

40. Rubin had a massive number of lawyers in this case, all of which were paid for by Rubin. A review of the docket sheet shows that there were at least 25 defense counsel. Rubin had 13 timekeepers present to “defend” Rubin at his own deposition.

*Time Spent Litigating the Motion to Dismiss*

41. One-time Defendants Yifat Schnur, Stephanie Shon, and Blue Icarus, LLC moved to dismiss the allegations against them in this action beginning on February 12, 2018 (Dkt. Nos. 59, 63 & 65). Plaintiffs’ reply memoranda were filed on March 15, 2018 (Dkt. Nos. 84, 85 & 86). My colleagues at my direction reviewed the individual time entries of all staffers to estimate the hours performed related to Schnur’s motion for sanctions. Those estimates are listed by day in the attached Exhibit 7. The totals of those estimated hours, broken down by the timekeeper who performed them, are included in the table below.

<b>ESTIMATED HOURS LITIGATING MOTIONS TO DISMISS BY DISMISSED DEFENDANTS SCHNUR, SHON, AND BLUE ICARUS, LLC</b>			
<b>STAFFER</b>	<b>TOTAL HOURS ESTIMATED</b>	<b>RATE (USD)</b>	<b>TOTAL BILLED (USD)</b>
John Balestriere	6.4	1670	10,688.00
Karen Bubelnik	3.0	385	1,155.00
Nathan Gibbs	3.5	385	1,347.50
Brian Grossman	19.8	450	8,910.00
Jin Lee	9.5	385	3,657.50
Jillian McNeil	24.5	650	15,925.00
David Forrest	6.5	385	2,502.50
Matthew Schmidt	17.1	1089	18,621.90
<b>TOTAL</b>		<b>\$62,807.40</b>	



*Exhibits*

42. Attached to this declaration as Exhibit 1 is a true and correct copy of an exemplar engagement agreement, that all Plaintiffs signed with the same terms therein, dated August 17, 2024.

43. Attached to this declaration as Exhibit 2 is a true and correct copy of the docket sheet in this action, as downloaded from ECF, dated August 13, 2024.

44. Attached to this declaration as Exhibit 3 is a true and correct copy of an excerpt of the transcript of the Deposition of Howard Rubin, which took place on October 25, 2018.

45. Attached to this declaration as Exhibit 4 is a true and correct copy of an excerpt of the transcript of the Deposition of Yifat Schnur, which took place on March 12, 2024 in the matter *Schnur, et al. v. Balestriere, et al.*; New York Supreme Court Index No. 160095/2018.

46. Attached to this declaration as Exhibit 5 is a true and correct copy of an excerpt of the transcript from the trial in this action, which began with opening statements on March 21, 2022.

47. Attached to this declaration as Exhibit 6 is a true and correct copy of invoices from matters the Firm worked on for the years 2018, 2019, 2021, 2022, 2023, and 2024.

48. Attached to this declaration as Exhibit 7 is an estimation of the Firm's time spent litigating the Motions to Dismiss of Defendants' Yifat Schnur, Stephanie Shon, and Blue Icarus, LLC.

Dated: New York, New York  
August 20, 2024

By: 

John G. Balestriere

Rebecca Gonzalez\*

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